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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,154	11/28/2001	Phillip Andrew Porras	SRI/4374-2	2117

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EXAMINER
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WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/996,154

**Applicant(s)**

PORRAS ET AL.

**Examiner**

Norman M. Wright

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-21 and 25-34 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Informal drawings have been submitted.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 6, 25, 33-34, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bernhard et al., 6,275,942, hereinafter '942.
4. As per claims 1-2, 6, 25, 33-34, '942 teach a server, hosting an intrusion detection process, which is integrated into the first/ server process (abs., col. 4, lines 45 et seq.). It has a global application interface, passing request to the server, and a web server (col. 2, lines 50-67 et seq., and col. 5, lines 10 et seq., and col. 6, lines 38 et

seq.). The system has a processor and memory configured to perform intrusion detection, and a computer program product (module, ARM figs. 1-2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 7, 12-21, 26-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhard et al. '942, as applied to claims 1-2, and 6, and further in view of Smaha et al, U.S. Pat. No. 5,557,742, hereinafter '742.

As per claims 3-5, 8-9, 12-18, 26-27, 31-32, '942 not explicitly taught is passing data to the IDS, packing a subset/extraction for analysis, a second server/IDS unit, and analyzing the subset, he does however teach the web server having IDS capability within and outside (fig. 1, [120]). '742 teach the claimed feature of passing data to the IDS, packing a subset/extraction for analysis, and analyzing the subset (abs., figs. 1-5B, summary, and col. 4, lines 40 et seq., and clms. 2-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to augment the invention of '942 with the features of the misuse intrusion detection invention of '742. One of ordinary skill in the art would have been motivated to perform such a modification because, '942 teaches that the use of the intrusion detection engine provides the necessary features carrying out his invention ('942 at col. 2, lines 1-6 et seq.).

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7. As per claims 7, 19-21, 28-30, neither '942 nor '742 teaches the use of emerald format/expert analysis, an apache web server. The examiner takes official notice of both the motive and modification necessary to utilize the combined invention on such types of servers, and to analyze or format the data as recited. It would have been obvious to one of ordinary skill in the art, at the time of the invention that, the invention of '942 and '742 could be utilized to display, analyze and carry out the process in a particular server. The process could easily be carried out with the proper formatting of the configuration of an intrusion detection system. Moreover, one of ordinary skill in the art would have had a desire to utilize these inventions in whatever, field of use/ environment they desired, because of the portability of the invention in various computer environments ('942 at col. 2, lines 65 et seq., and '742 at col. 14, lines 15 et seq.).

***Allowable Subject Matter***

8. Claims 10-11 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Norman M. Wright  
Primary Examiner  
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